



U.S. Department of Justice

Antitrust Division

Liberty Square Building

*450 5th Street, N.W.
Washington, DC 20530*

July 3, 2024

Via ECF

The Honorable Leda Dunn Wettre, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *United States v. Apple*, No. 24-cv-04055 (D.N.J.) (JXN-LDW)
Renewed Request for Rule 16 Conference

Dear Judge Wettre:

On June 27, 2024, the United States and Plaintiff States wrote to respectfully request that the Court schedule an initial Rule 16 conference and order the parties to provide a joint status report to the Court within ten calendar days. *See* ECF No. 64. In response, on July 1, 2024, Defendant Apple Inc. filed a letter asking the Court to delay the Rule 16 conference until after the Court resolves Apple's forthcoming motion to dismiss. *See* ECF No. 67. Apple also effectively moves to stay discovery until after a ruling on its motion to dismiss. This discovery motion is premature and contrary to the spirit of Local Civil Rule 37.1(b) and 16.1(g)(1).

Apple's letter motion to stay discovery is premature because a Rule 16 conference will allow the parties to obtain the Court's guidance and instruction on how to proceed on case management issues, including a discovery schedule. Apple acknowledges that the parties have worked to successfully negotiate various case management and discovery issues, while recognizing that the parties remain far apart on other terms. ECF No. 67 at 6. This disagreement is exactly why a Rule 16 conference is appropriate. As the Third Circuit has noted, the purpose of a Rule 16 conference is to "provide for judicial control over a case at an early stage in the proceedings" and "allow courts to actively manage the timetable of case preparation so as to expedite the speedy disposition of cases." *Newton v. A.C. & S., Inc.*, 918 F.2d 1121, 1126 (3d Cir. 1990). This is exactly what the United States and Plaintiff States hope to achieve.

Accordingly, the United States and Plaintiff States respectfully renew their request for the Court to schedule a Rule 16 conference and order the parties to submit a joint status report identifying the areas of agreement and disagreement along with the parties' respective positions. If the Court is inclined to order briefing in response to

Apple's request to stay discovery, the United States and Plaintiff States will respond on any schedule set by the Court and respectfully request that the parties address the motion in person at a Rule 16 conference.

Respectfully submitted,

s/ Jonathan H. Lasken

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA et al.,

Plaintiff,

v.

APPLE INC.

Defendants.

Case No. 2:24-cv-04055-JXN-LDW

CERTIFICATE OF SERVICE

I hereby certify that the above letter and this Certificate of Service were served upon defendant's counsel, Liza M. Walsh, Esq., Craig S. Primis, Esq., Devora W. Allen, Esq., and K. Winn Allen, Esq., 1301 Pennsylvania Avenue, NW, Washington, D.C., 20004, by CM/ECF on July 3, 2024.

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